



February 14, 2017

Dear Chairman Walberg and Ranking Member Sablan:

On behalf of Argentum, thank you for holding today's hearing entitled, "Restoring Balance and Fairness to the National Labor Relations Board." We believe the Subcommittee should carefully examine the serious impact associated with the National Labor Relations Board's (NLRB) unprecedented policy changes over the past eight years. These changes, if not addressed will continue to negatively impact not only labor relations among management and workers but for Argentum, the senior living residents we serve.

Argentum member companies operate senior living communities offering assisted living, independent living, and memory care services to older adults and their families. Argentum is the largest national association exclusively dedicated to supporting companies operating professionally managed, resident-centered senior living communities and the older adults and families they serve. Since 1990, Argentum has advocated for choice, accessibility, independence, dignity, and quality of life for all older adults.

Argentum actively participates with the Coalition for A Democratic Workplace (CDW), a broad-based coalition of over 600 organizations representing hundreds of thousands of employers and millions of employees in various industries across the country. Argentum remains deeply concerned with the disruption caused by the NLRB's eight-year campaign to re-write labor laws. Some of the issues Argentum has advocated independently and in conjunction with CDW and the U.S. Chamber of Commerce include the so-called Employee Free Choice Act (EFCA), which would have replaced secret ballots in unionization elections with "card check," a process that would have forced employees to choose whether or not to sign union authorization cards in front of coworkers and union organizers, exposing employees to potential intimidation and harassment by those in favor of unionization. When EFCA was defeated, Argentum, CDW, and the U.S. Chamber of Commerce turned its focus to the NLRB's regulatory overreach and its efforts to enact the goals of EFCA through its decisions and regulations.

Argentum has become alarmed over the last eight years at the NLRB's seemingly one-sided efforts to amend the union election process to benefit unions at the expense of employers and employees. It is apparent the Board's action did not consider the negative impact its decisions would have on employer, employees and the economy. The NLRB's regulatory overreach have forced Argentum and other organizations to directly challenge the Board rules through amicus briefs and legal actions. Argentum, in conjunction with CDW and the U.S. Chamber of Commerce

have also advocated for legislation, policy riders and Congressional Review Act Resolutions to rein in the Board. Despite our individual and collective efforts, the Board continued with its agenda at the expense of worker and employer rights and our economy.

The time has come for Congress and the new Administration to address the Board's most egregious policy changes. We think three issues that Congress and the Administration should address as priorities are the ambush election rule, the Specialty Healthcare decision which allows micro-unions, and the joint employer standard. Argentum will continue to advocate for legislative solutions to these harmful changes.

Argentum has high hopes that the Administration will quickly nominate members to the NLRB who will be fair to employees, employers, and unions. The Board was always intended to act as an impartial entity in deciding labor disputes and we sincerely hope that this occurs again.

We appreciate your consideration of these issues and look forward to working with members of the Subcommittee to advance policies that benefit both employers and employees and that ultimately benefit the residents we serve in senior living communities.

We would welcome the opportunity to discuss these and other NLRB policies and their impact on our senior living employees, employers and residents. Please let me know of any way we can assist you.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB', with a stylized flourish at the end.

James Balda
President and CEO
Argentum